

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
2006 MAY 11 PM 12:36
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DB

Ali M. Abdulle,

Petitioner,

EP 05-CA-259
Agency No. A 97-893-671

v.

MOTION TO DISMISS AS MOOT.

Alberto Gonzalez,
Attorney General, et. al.

Respondent.

The Respondents hereby move to dismiss the petition as moot. On May 1, 2006, Respondent was released from custody on an order of supervision on May 2, 2005. See Exhibit 1. The Respondents do not intend to re-detain Respondent unless firm travel arrangements are made or unless there is a material change in circumstances (i.e, unless the Petitioner engages in future criminal activity or future immigration violations). Because Petitioner has now been released from custody, all issues related to his custody are now moot.

WHEREFORE, the Respondents move to dismiss the petition as moot.

Respectfully Submitted,

JOHNNY SUTTON
United States Attorney
Western District of Texas

A handwritten signature in black ink, appearing to be 'D. H. Burke', written over a horizontal line.

DAVID H. BURKE
Special Assistant
United States Attorney
Colorado Bar #26779
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El Paso, Texas 79901
(915) 534-6884; 225-1803
Fax: (915) 225-1892

Attorney For Respondent

May 11, 2006

CERTIFICATE OF SERVICE

Name: **ALI M. ABDULLE**
Case Number: EP-05-CA-259-DB

On, May 11, 2006, I, DAVID BURKE, sent via 1st class mail a complete copy of this Return and Motion to Dismiss and any attached pages to the Petitioner's counsel, Edgar Holguin, Esq., Asst. Fed. Public Defender, Western District of Texas, Federal Building, 700 E. San Antonio D-401, El Paso, TX 79901.

A handwritten signature in black ink, appearing to read "DAVID H. BURKE", is written over a horizontal line.

DAVID H. BURKE
Special Assistant
United States Attorney
Department of Homeland
Security

EXHIBIT 1

Office of Detention and Removal Operations

U.S. Department of Homeland Security

801 I Street, NW

Washington, DC 20536

**U.S. Immigration
and Customs
Enforcement**

Ali Mohamud ABDULLE
C/O Immigration & Customs Enforcement
El Paso Processing Center

A97 893 671

Release Notification


Upon review of your case, U.S. Immigration and Customs Enforcement (ICE) has concluded that you may be released from ICE custody pending your removal from the United States. This release does not affect your removal order and does not constitute an admission to the United States.

Your release will be subject to certain written conditions that will be provided to you shortly on the Order of Supervision and Addendum to the Order of Supervision forms, and by which you must abide. **Two of these conditions are: monthly in person reporting to an ICE office and weekly telephonic reporting until you are removed.** A violation of one of more of these conditions, or of any local, state or federal law may result in your being taken back into custody and any bond that you may have posted being forfeited. Your release from custody is also conditioned upon your maintaining proper behavior while sponsorship and placement efforts for you are being undertaken.

Prior to your release from custody, an immigration officer may verify the sponsorship or employment offers presented during your review. Please forward any additional information regarding potential sponsoring family members or non-governmental organizations that may be willing to assist you upon release.

It is particularly important that you keep ICE advised of your address at all times. ICE will continue to make efforts to obtain your travel document that will allow the United States government to carry out your removal pursuant to your order of deportation, exclusion, or removal. In addition, you are required by law to continue to make good faith efforts to secure a travel document on your own and provide proof of your efforts to ICE. Once a travel document is obtained, you will be required to surrender to ICE for removal. You will, at that time, be given an opportunity to prepare for an orderly departure.


Signature of HQPDU Director/Designated Representative


Date

DAX409A

DACS CUSTODY SUMMARY INQUIRY

DATE: 05/11/2006

TIME: 12:34:12

A-NUM: 097893671

LAST NAME: ABDULLE

DCO: ELP

FIRST NAME: ALI MOHAMUD

NATLTY: SOMAL

CHG-DOC-ISSUED: 05/25/2004

CHG-DOC-SERVED: 05/25/2004

DATE-WA-ISSUED: 05/25/2004

DATE-WA-SERVED: 05/25/2004

CONSUL-NOTIF:

BOND-AMT-REQUIRED: NOBOND

BOND-AMT-POSTED:

BOND-TERM-STATUS:

DATE-BOND-POSTED:

STAT-RECOG-SUPER:

DATE-STATUS-RECOG-SUPER:

DET-LOC-ID: EPC

DATE-RELEASED: 05/02/2006

DATE-BOOKED-IN: 05/24/2005

RELEASED-TO: OSUP

DATE-ENTERED: 05/24/2005

DET-FAC-TYPE: INS

VR-USM:

DET-DCO: EPC

PF7 - DET LOC ID LIST

COMMAND: CUST

A-NUM: 097893671

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MAY 11 2006
Ali M. Abdurle,
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK
Petitioner,
v.

EP 05-CA-259
Agency No. A 97-893-671

ORDER.

Alberto Gonzalez,
Attorney General, et. al.

Respondent.

On this date, came on to be considered the respondents' Motion to Dismiss, in the above-entitled and numbered cause. The Court, having considered the respondents' Motion is of the opinion that said motion is meritorious and is hereby GRANTED.

Accordingly, it is ORDERED that the petition in the above-styled and numbered cause be DISMISSED. Petitioner to pay all costs.

ENTERED this ____ day of May, 2005.

HON. DAVID BRIONES
UNITED STATES DISTRICT JUDGE